

1                   HELP AMERICA TO VOTE ACT OF 2002

2  
3                   PUBLIC HEARING

4  
5  
6                   Held on:     Thursday, March 6, 2003

7                   Held at:     Paseo High School

8                             4747 Flora

9                             Kansas City, Missouri

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13           A p p e a r a n c e s:

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15                   Mr. Matt Blunt, Secretary of State

16                   Mr. Gilbert Powers, Johnson County Clerk

17                   Ms. Sharon Turner-Buie, Director of the

18                             Kansas City Election Board.

19                   Mr. Richard Struckoff, Greene County Clerk

20                   Ms. Pat Conway, Buchanan County Clerk

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1                   SECRETARY BLUNT: Thank you everybody for  
2 coming today and taking interest in how Missouri  
3 conducts elections. Recently passed federal  
4 election law gives a great deal of responsibility to  
5 each state to determine how they will meet the  
6 requirements of the Help America Vote Act. And it  
7 certainly also gives us the flexibility in  
8 determining exactly how we will do that.

9                   States that intend to receive federal  
10 money are required to provide a plan of precisely  
11 how they will spend those funds. And really this  
12 endeavor and this meeting here today is designed to  
13 kick off that effort by collecting, and there has  
14 been a meeting already, to kick off public effort to  
15 collect input from citizens around Missouri that  
16 have an interest in our election process.

17                   As many of you know, this jurisdiction,  
18 Kansas City, Jackson County, used the punch card  
19 system. In the Help America Vote Act there is a  
20 punch card buyout, probably not enough for  
21 individual jurisdictions to complete a buyout, but  
22 certainly with local assistance that can be done.  
23 And something has to be considered by the State  
24 Planning Committee and other citizens as how,  
25 exactly what type of program we will go to. What

1 type of equipment we will go to. The Help America  
2 Vote Act certainly provides challenges, but it also  
3 provides opportunities for us to address problems  
4 that exist in Missouri's election law.

5 In many ways, because of action Missouri  
6 has taken already, the Election Reform Bill measure  
7 that was passed and signed into law in 2002, we meet  
8 many of the mandates of the federal election reform  
9 law. There are still things that we will have to  
10 do. Equipment issues are important for that.  
11 Accessibility issues are important for that. And  
12 also the database issues of how we maintain a  
13 centralized voter registration database will require  
14 significant changes based on what is contained, the  
15 guidelines established in the Help America Vote Act.

16 Certainly I believe every citizen in  
17 Missouri has a stake in how we address this state  
18 plan issue. The state plan is going to be a guiding  
19 document for election officials and state government  
20 and local government in the years ahead. It is very  
21 important that it is crafted in a responsible way.  
22 We have lots of great committee members, people from  
23 all political parties. People who represent a  
24 diverse cross-section of our state. Might be the  
25 largest, one of the most diverse commissions that

1 has ever been established to address a state issue.  
2 Missouri election process is one that requires that  
3 sort of diversity of input.

4 It is important that we have involvement  
5 in the process, those people who are going to have  
6 to carry out the oversight of the election process  
7 and to make whatever we insist upon in the state  
8 plan, to make that work. With that in mind, we have  
9 a number of local election authorities involved, I  
10 am going to allow to say some words in just a few  
11 moments.

12 One of the chairs in the Training and  
13 Education Committee, Sharon Turner-Buie, is the  
14 Kansas City Board of Elections Director. Another to  
15 my left, one of the chairs, the Equipment and  
16 Accessibility Committee is Gilbert Powers, the  
17 Johnson County Clerk. And then we are also joined  
18 with, by Pat Conway, the Buchanan County Clerk; and  
19 Richard Struckoff, the Greene County Clerk, who  
20 served as the co-chairs of the database, Provisional  
21 Voting and Identification Subcommittee.

22 Before we ask for testimony from any  
23 interested participants, I would like to briefly  
24 allow them just to make a few comments on how they  
25 think the state plan needs to be formulated and what

1 type of input we really are looking for from  
2 Missouri citizens. Why don't we start here on my  
3 left with Gil Powers.

4 MR. POWERS: Thank you. On the Equipment  
5 Accessibility Subcommittee our first goal, of  
6 course, is to conduct these public hearings and take  
7 comments so that we can see if there are obstacles  
8 to free access to the election process as it applies  
9 to equipment and accessibility. As election  
10 authority, it is a good opportunity for me to be  
11 able to step back and look at the process and hear  
12 some public comment. In our zealous effort to  
13 protect the integrity of elections, sometimes we  
14 might inadvertently have put up some types of  
15 barriers and we would like to see what those might  
16 be. And then, of course, we will make a  
17 recommendation to the Secretary of State's office as  
18 it pertains to HAVA and how we may be able to meet  
19 the mandates for that federal act.

20 SECRETARY BLUNT: Thank you. Certainly  
21 throughout the state plan process, balancing that  
22 need for integrity in the election process with a  
23 need for greater accessibility is paramount and  
24 really one of the great challenges for anybody  
25 interested in election reform, is balancing the need

1 to enhance the integrity of the process, with a  
2 desire to ensure that no Missourian is  
3 disenfranchised and that voting is accessible for  
4 every citizen of our state.

5 The important part of doing that is  
6 ensuring that citizens and election officials have  
7 the sort of training and education that they need to  
8 understand the election process and to be involved  
9 as election workers in overseeing the election  
10 process. We are fortunate to have a great, one of  
11 the chairs here with us, Sharon Turner-Buie is the  
12 chair of the Training and Education Subcommittee.

13 MS. TURNER-BUIE: Thank you. Our  
14 committee met for the first time on Wednesday,  
15 February 26th in Jefferson City, Missouri. And I  
16 was particularly encouraged by the excitement that I  
17 saw among the committee members. As the Secretary  
18 of State mentioned, it is quite a diverse group. We  
19 had people who have come from all walks of life who  
20 were interested in learning about training and the  
21 information. They had their own ideas initially,  
22 and yet when we were able to actually discuss the  
23 election process, they learned more about elections  
24 in one hour than they had known. Which lets me know  
25 the task that we have of course, as we all know, is

1           awesome. But we are on a committee that will touch  
2           every voter in the State of Missouri when we talk  
3           about training and education. We talk about  
4           training of poll workers. Expanding that training.  
5           So virtually every voter will be affected by the  
6           work that is done on the Training and Education  
7           Committee.

8                       So I am encouraged by the level of  
9           enthusiasm and the level of commitment that I have  
10          seen just so far in one meeting from our committee  
11          members. So we look forward to this challenge and  
12          to this task.

13                      SECRETARY BLUNT: Thank you, Sharon. And  
14          one of the real challenges for us to make sure that  
15          we are in compliance with the federal law. As I  
16          said before, many ways we already are. Provisional  
17          balloting would be a noble example. When we  
18          established we were ahead of a federal mandate,  
19          established provisional balloting prior to the  
20          enactment of the Help America Vote Act. Other  
21          proponents of Help America Vote Act will need to get  
22          into compliance. Certainly the centralized voter  
23          registration database is one issue that will have to  
24          alter our system to be in compliance with the  
25          federal law. We talked about integrity. Voter

1           identification is key. The chair of that committee  
2           are with us, they are experienced accounting  
3           clerks. I will let them decide who goes first. But  
4           Richard Struckoff from Greene County, and Pat Conway  
5           from Buchanan County are here.

6                       MR. CONWAY: Thank you, Mr. Secretary.  
7           First of all, I would like to commend Secretary  
8           Blunt and his staff for taking the initiative in  
9           dealing with the requirements of the federal laws.  
10          I am the county clerk in St. Joseph in Buchanan  
11          County and I am a democrat, but without exception  
12          their staff has really taken the initiative in doing  
13          this and I want to complement the secretary and the  
14          staff.

15                      I had the opportunity to represent  
16          Missouri on the board of directors of the National  
17          Association of Counties, and I just returned from a  
18          four-day conference in Washington. One of the  
19          discussion points was how to implement the  
20          requirements of the federal law and how the states  
21          will deal with the many problems that are coming up  
22          with the implementation of these laws and problems  
23          in the voting areas that we have faced in the last  
24          couple of years. And without a doubt Missouri is by  
25          far very far advanced in comparison to most states



1           that are dealing with this situation.

2                       The committee meetings that we had last  
3 week inspired me to believe that we are on the right  
4 track in Missouri. Although Richard has used punch  
5 cards and we both have been county clerks for a  
6 number of years. And I have used an optical scan  
7 system and Sharon, I know, has used punch card. We  
8 do have different types of equipment. But the goal  
9 is to make voting available, to break down the  
10 barriers of voting and allow people the opportunity  
11 to get to the polls, cast a ballot and have that  
12 ballot counted. I am very optimistic that this  
13 committee in going around the state will be able to  
14 discuss with people the problems that they have seen  
15 in attempting to vote, or getting their vote  
16 counted.

17                      And I am certain in Missouri that we are  
18 not going to be one of those states who are going to  
19 be left behind or not be prepared for the elections  
20 of 2004. I am hopeful that we will get a lot of  
21 input from the citizens and from the people in  
22 education and people in politics, people in  
23 government, people in special interest groups.  
24 Because we need to hear those comments for us to  
25 develop a plan that we can take back to the state

1 legislature and to the state administration and show  
2 them the requirements that we want to fulfill and  
3 get the funding that we will need to implement this,  
4 not only from the Federal Government, but state  
5 government. And I think Missouri is going to meet  
6 that challenge very well. Thank you.

7 MR. STRUCKOFF: I would just like to echo  
8 what Pat said. Matt has done a great job. Two of  
9 the things that our subcommittees are charged with  
10 doing, is assisting in the area of provisional  
11 voting and voter I.D. Missouri is way ahead of the  
12 game on this, thanks to Matt. It is almost as  
13 though he knew a member of Congress and had some  
14 inside information. We are very close to what the  
15 federal standards are. As far as the database goes,  
16 we do have a database. We still have a long way to  
17 go on that to make it interactive and to make it up  
18 to the minute. And we are still not sure how we are  
19 going to accomplish that.

20 I am also very proud, I think there are at  
21 least three members of our subcommittee who just  
22 showed up to hear what you all have to say. I would  
23 like for them to stand and identify themselves.

24 MS. FRETWELL: Estil Fretwell with Farm  
25 Bureau Federation.

1 MS. CHRISTOPHER: Kelly Christopher,  
2 Livingston County Clerk.

3 MS. CLARK: Wendy Clark. Platte County  
4 Election Board.

5 MR. STRUCKOFF: Are there any other  
6 members of the subcommittee who came today? Please  
7 stand.

8 MR. FERGUSON: Michael Ferguson with the  
9 Missouri Libertarian Party.

10 MR. STRUCKOFF: Anyone else? Thank you.

11 SECRETARY BLUNT: The reason we are here  
12 of course is to hear from citizens. So if somebody  
13 would like to come up. And I'm sure, given the size  
14 of our audience, do so in an orderly fashion.  
15 Somebody come up and present some testimony or share  
16 your ideas, your concerns, as we move forward with  
17 the creation of a state plan. Not all at once. I  
18 know we have at least one who wanted to do that.

19 MS. TURNER-BUIE: State your name for the  
20 record.

21 MS. PATTERSON: Willa G. Patterson.

22 MS. TURNER-BUIE: Thank you, Ms.  
23 Patterson.

24 MS. PATTERSON: Shall I go ahead and give  
25 my comments?

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1 MS. TURNER-BUIE: Please do.

2 MS. PATTERSON: Okay. First of all, I  
3 heard about this forum through someone who had  
4 gotten an e-mail. And I know that voting is  
5 important. It is the only way that we are going to  
6 make our voice heard. Blind people in Missouri do  
7 have difficulty voting because the punch card system  
8 is inadequate and it does not allow us to cast an  
9 independent ballot. Many times we have to take  
10 people to the polls with us to read the ballot. If  
11 you don't, you have to rely on poll workers who many  
12 times are older and experience visual loss, have  
13 difficult reading the print, or in some cases cannot  
14 pronounce some of the words on the ballot. They  
15 have difficulty with the language. And by the time  
16 you get through having them spell words and figuring  
17 out the meaning of it, it is very time consuming.  
18 Therefore, there must be a machine whereby blind  
19 persons can independently cast their ballot and get  
20 the material read.  
21 Now, fortunately, and this is good for all  
22 of us, that the television channels and the  
23 newspaper have discussed the issues. So when I go  
24 to the poll, I know how I want to vote before I get  
25 there on propositions and constitutional

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1           amendments. And most of the candidates, except  
2           those that I haven't heard about yet. Bottom line  
3           is we need to have a machine in place in every  
4           precinct, county or whatever, so that blind persons  
5           can independently cast a ballot.

6                       MS. TURNER-BUIE: Thank you, Ms.  
7           Patterson. Do you have questions?

8           MR. STRUCKOFF: Willa, have you ever voted  
9           absentee?

10                      MS. PATTERSON: No, I have not, because  
11   that, too, presents a problem. I would rather go to  
12           the polling place and do that. I would only vote  
13           absentee if I was ill and could not get to my  
14           polling place. Currently what I do, if the polling  
15           place is far from my home, I call one of the  
16   political organizations in Kansas City to take me to  
17           the polls and back home.

18                      MR. STRUCKOFF: I am not trying to be too  
19           personal. Do you read Braille?

20                      MS. PATTERSON: Yes, I do.

21                      MR. STRUCKOFF: Any idea what percentage  
22           of people with vision impairments can read Braille?

23                      MS. PATTERSON: It is less than one  
24           percent. That's my estimate.

25           MR. STRUCKOFF: So really a Braille ballot

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1           probably would not be the answer?

2                       MS. PATTERSON:   It would be for me.  
3           However, there ought to be -- there could be a  
4           machine out there that is audible that will read a  
5           ballot and help you cast it.  Now I will tell you  
6           what does not work.  The touch screen does not work  
7           for us.

8                       MS. TURNER-BUIE:   Yes.

9                       MR. STRUCKOFF:   You would still need some  
10          audio portion to tell you what to touch?

11                      MS. PATTERSON:   Exactly.  What to punch.  
12          What to touch or what to press.  And that machine  
13          would have to have a way to help you cancel out, in  
14          case you make a mistake.

15                      MR. STRUCKOFF:   Is there any technology  
16          that you use on a fairly frequent basis that does  
17          provide you with some autonomy?  Easy to use?

18                      MS. PATTERSON:   Currently I am learning to  
19          use the computer.  But mainly I read Braille.

20                      MR. STRUCKOFF:   And the computer has  
21          audio capability?

22                      MS. PATTERSON:   Yes.  All of them can  
23          have speech put on it.

24                      MR. POWERS:   If you had a system that had  
25          a headphone so that you could hear in private, and

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1           there was a minimum number of buttons, maybe one,  
2           two or three possible maximum number of buttons on  
3           the machine as opposed to a touch screen, would that  
4           lend itself to what you are looking for?

5                     MS. PATTERSON:  Yes, it would.

6                     MR. POWERS:  If there was only a limited  
7           number of those devices, and maybe they would be  
8           different locations where you could go to, would  
9           that be an inconvenience sufficient to prevent you  
10          from going to vote?

11                    MS. PATTERSON:  As long as it is in my  
12          voting area, that would work.  It depends where it  
13          is.

14                    MS. TURNER-BUIE:  While you say it would  
15          be adequate for you because you do read Braille.  Do  
16          you think others with vision impairment would have  
17          that same attitude?  Have you spoken with others  
18          about their preferences in equipment?  Not equipment  
19          specifically, but features that are needed by those  
20          with vision impairment?

21                    MS. PATTERSON:  Most people would benefit  
22          by an audio system.  It could prompt you as to how  
23          to use the device.

24                    MS. TURNER-BUIE:  Okay.

25                    MR. STRUCKOFF:  Thank you, Willa.

1 MS. TURNER-BUIE: Thank you so much for  
2 testifying before the committee today. We  
3 appreciate your remarks and we certainly will take  
4 them into consideration.

5 MS. PATTERSON: Thank you.

6 MS. TURNER-BUIE: Is there anyone else who  
7 would like to give testimony this evening? Even  
8 members of the committee can give testimony. If you  
9 have thoughts about the committee you are on or  
10 other committees, you are certainly welcome to make  
11 your opinions known as well. Or election  
12 officials.

13 MS. TURNER-BUIE: Others may show up. It  
14 is five of 5:00. Many people get off from work at  
15 5:00 o'clock. So what we might do is -- what I  
16 would like to do, first of all, is share with you a  
17 summary of the bills requirements so that all here  
18 have information about how these funds will be  
19 allocated. There are seven titles to the Help  
20 America Vote Act. Title 1 allocates \$325 million to  
21 the states on a formula basis for improved election  
22 administration. Title 1 also allocates \$325 million  
23 to the states on a formula basis to replace punch  
24 card voting systems. Title 2 creates an election  
25 administration commission and several associated



1       bodies at the federal level. I might just mention  
2       on allocating the funds to replace punch card voting  
3       systems, that there is no requirement to replace  
4       punch cards. The federal law does not require us to  
5       replace all punch cards, but it does allocate funds  
6       to those counties who wish to do so.

7               Title 2 allocates \$3 billion to be  
8       distributed to the states with a five percent match  
9       requirement on a formula basis, to be used according  
10      to a state plan. A plan of course we are  
11      developing. It also creates several grant programs  
12      to provide funding for accessibility, which is 100  
13      million dollars over four years. For technology  
14      improvements, which is \$20 million. Equipment  
15      testing and technology in the amount of \$10  
16      million. Protection and advocacy, which is \$40  
17      million over four years, and student Mock elections  
18      at the rate of \$1.2 million over six years.

19             Title 3 establishes requirements for  
20      provisional voting, state-wide voter registration  
21      database, the voting system standards and  
22      identification requirements for voters who register  
23      by mail. Title 5 establishes the Help America Vote  
24      college program, and has allocated \$5 million to  
25      that program. Title 7 establishes requirements for

1 overseas and military voting.

2 On the voting -- on the information and  
3 training committee, we are focusing on specific  
4 areas. The voting information we will provide to  
5 the public, we will make recommendations on the  
6 information that is to be provided, to be publicly  
7 posted at each election on election day. The voting  
8 information is going to include things like sample  
9 ballots for that election. Information regarding  
10 the daily polling places of operation. Which of  
11 course we already do, at least in Kansas City and  
12 the surrounding jurisdictions we do notify voters of  
13 the date and the time of voting and certainly the  
14 location of the polling places. We are also  
15 required under HAVA, which the act is commonly known  
16 as, to provide information on how to use the voting  
17 equipment, which we also do in Missouri.

18 We will provide recommendations on how to  
19 cast a provisional ballot. How that information  
20 should be supplied to each polling place. The  
21 identification instructions for mail-in registrants  
22 who are first time voters. General information on  
23 voting rights under federal and state laws,  
24 including the right to cast a provisional ballot and  
25 instructions on how to contact the appropriate

1 official when rights are violated. General  
2 information on federal and state laws regarding  
3 prohibitions on acts of fraud and misrepresentation.  
4 This is required to be in place by January 1, 2004.

5 All of these requirements, I think, are  
6 for the benefit of the voters. Some of the things  
7 we do, some we do not throughout the state. We will  
8 not be required to provide this information  
9 uniformly throughout the state. Which is of value  
10 to voters. The college worker plan will look at the  
11 possibility of recruiting election judges at the  
12 college level. In conjunction with the Help America  
13 Vote college program is to encourage the college  
14 students to serve as non-partisan poll workers and  
15 also to encourage the state and local governments to  
16 use these resources.

17 Another area that our committee will focus  
18 on is military and overseas voting. We will  
19 recommend information on how we think this office  
20 can best benefit the military and what procedures we  
21 think could be incorporated for military and  
22 overseas voting. Poll worker training is a major  
23 area that we will focus on. And we will look at  
24 expanding and enhancing existing poll worker  
25 training to ensure that we are providing as much

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1 information as possible to our poll workers  
2 uniformly throughout the state in an attempt to  
3 equip them to be able to service the voters of  
4 Missouri.

5 I might ask the other committee chairs to  
6 talk a little bit about your committees so that --  
7 Eldon Cox.

8 MR. COX: Here.

9 MS. TURNER-BUIE: Please come forward if  
10 you would like to testify. Mr. Cox, if you would  
11 please state your name for the record and then go on  
12 into your testimony.

13 MR. COX: My name is Eldon Cox.

14 MS. TURNER-BUIE: Please continue.

15 MR. COX: Okay. And what I am looking  
16 for and concerned with would be some type of  
17 accessible voting for the visually impaired. Being  
18 a blind person myself, I think I have the right when  
19 I go into a voting poll to be able to vote secretive  
20 like everybody else, instead of having to vote with  
21 someone's assistance. It has taken years for the  
22 disabled to come out of the basements and attics and  
23 so on. So -- they say you can vote absentee, but  
24 again it has taken us a long time to get this far,  
25 and I think we need to have the right to vote like

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1           everybody else.

2                   MR. STRUCKOFF: Eldon, where do you live?

3                   MR. COX: I live on 73rd Street. About  
4           73rd and Troost.

5                   MR. STRUCKOFF: In Kansas City?

6                   MR. COX: Yes. I know there are  
7           accessible voting machines available. I have seen  
8           them. I have used them in demos, but not in an  
9           election.

10                  MR. STRUCKOFF: In the demos, what type of  
11           machinery was used that you like?

12                  MR. COX: I have only seen -- I guess I  
13           have seen a couple. The one I am most familiar with  
14           is called an E. slate. It has got a dial somewhat  
15           like the old rotary phone. That when you -- it  
16           would actually talk, tell you the candidates for  
17           president. When you would turn the dial, it would  
18           tell you that you are on the individual. You would  
19           press a button. It would register that vote. You  
20           would go on to the vice president, your  
21           representative, senators. And at the end it would  
22           read it back to you to be sure you had it the way  
23           you wanted it, and then you would press a button  
24           that would cast the ballot.

25                  MR. STRUCKOFF: I believe I have seen this

1           technology myself. Where did you happen to come  
2           across it?

3                   MR. COX: I have seen it in Houston,  
4           Texas at the American Council of the Blind's  
5           convention.

6                   MR. STRUCKOFF: Is that not the system  
7           that they are using in Houston?

8                   MR. COX: I believe it is. Yes.

9                   MR. STRUCKOFF: Eldon, do you read  
10          Braille?

11                  MR. COX: Yes, I do.

12                  MR. STRUCKOFF: Do you agree with previous  
13          testimony of Willa that says only about one percent  
14          of visually impaired people can read Braille?

15                  MR. COX: I would agree with that.

16                  MR. STRUCKOFF: Would you agree also that  
17          a Braille system probably wouldn't be enough to help  
18          the vast number of visually impaired people?

19                  MR. COX: Very much so.

20                  MR. STRUCKOFF: Okay. So the system you  
21          described probably would at least meet some basic  
22          needs?

23                  MR. COX: Yes. It would help not only  
24          visually impaired, it would help people that are  
25          slow readers. People that just have poor vision

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1           when they get in the voting place. Because the  
2           lighting is often poor. And the elderly, with the  
3           population getting older every day, it would assist  
4           them as well.

5                       MR. CONWAY: Eldon, I am Pat Conway. As  
6           I said earlier, I am the county clerk up in St.  
7           Joseph.

8                       MR. COX: All right.

9                       MR. CONWAY: One of the things -- and I  
10          understand your point, we are working in that  
11          direction. Would a situation of making designated  
12          handicap polling places -- I have polling places  
13          from the size of 120 up to 2400. Do you think  
14          allowing to designate, say, a half a dozen or a  
15          dozen designated polling places that can handle all  
16          handicapped individuals, not just visually impaired,  
17          but hearing impaired, would be a method that we  
18          could do this and stay within the capabilities of  
19          operating an election with the cost factor that we  
20          have, do you think that is something that the  
21          disabled community would accept?

22                      MR. COX: I know personally, if they  
23          would put in something that I could vote  
24          independently, like here in Kansas City down at the  
25          Election Board on Walnut, and would allow me to come

1           there a day or two ahead of the election or even the  
2           day of, I would be willing to travel the extra  
3           distance that I would have to go so I could vote  
4           independently.

5                       MR. CONWAY: I think Missouri has  
6           implemented an early voting plan for 2004 which will  
7           do as you just stated, that will allow people to go  
8           to the voting headquarters or designated place to  
9           vote independently. I think that is probably one of  
10          the best recommendations the Committee has heard as  
11          far as those people who suffer from disabilities, to  
12          give them an accessible place so they can vote in  
13          private. And I really appreciate your comments.

14                      MR. COX: I think with -- it can't be  
15          implemented overnight. It is going to take a bit of  
16          time. So I would like to see it to where we could  
17          vote in our local area, you get to know the people  
18          that are standing in line with you as neighbors, as  
19          friends and community. I think that is very  
20          important that they see us out there.

21                      But as a starter, then yeah, I would be  
22          willing to go down to the Election Board and vote,  
23          if they had the machine so I could do it  
24          independently. If I am going to have to have  
25          somebody read me the ballot, then no, that is not



1 acceptable.

2 MR. CONWAY: Okay. Thank you.

3 MR. STRUCKOFF: In fact, the federal law  
4 mandates that there be some device in every precinct  
5 that will handle that --

6 MR. COX: 2006, isn't it?

7 MR. STRUCKOFF: Right. That type of  
8 vote. That's all I have.

9 MS. TURNER-BUIE: Thank you very much,  
10 Mr. Cox. While we're waiting for others to testify,  
11 we will ask the chair of the other committees to  
12 talk about their committee and what their  
13 responsibilities are. Gil.

14 MR. POWERS: I appreciate the comments of  
15 the last two witnesses. Because that is right down  
16 my subcommittee's expertise or area of -- we have  
17 been directed to work on. So I am glad to hear them  
18 say that they understand that this is not something  
19 that can happen in all polling places overnight and  
20 that they would be willing to work with us on  
21 solutions that we can find to assist all  
22 citizens.

23 Technology has come a long ways in the  
24 last 20, 30 years. There are lots of new systems  
25 out there. In discussions that we have had in other

1       committees, I have heard people talk about the  
2       benefits or the value of having one uniform  
3       accounting system state-wide. But the problem with  
4       that could be that if we had those same types of  
5       mandates years ago, we would probably all be on card  
6       punch systems right now. So that may or may not be  
7       the ideal solution. But I do believe there are  
8       systems out there that as they become affordable,  
9       can continue to proliferate all of the polling  
10      places.

11               So we as a committee will probably be  
12      requesting manufacturers of different types of  
13      systems to come and show those to us so that we can  
14      evaluate the pros and cons of the different types of  
15      technologies that are out there. Right now, if we  
16      just go with what we currently know of, I know one  
17      person said maybe we need to go out and look at what  
18      a 2004 Cadillac looks like before we go out there  
19      and invest in a 1970 or 1980 model vehicle. So we  
20      need to go out and look and see what next year's  
21      models look like before we try to make some type of  
22      recommendations on the types of systems that are  
23      currently in place.

24               Accessibility can come in a number of  
25      phases. There are other things, and even in the

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1 processes themselves that maybe we need to have  
2 comments on. I would like to hear from the other  
3 voters, not just on the limitations of the systems,  
4 but in the processes themselves as it leads up to  
5 using those sticker systems. There are a number of  
6 election authorities on this subcommittee, but we  
7 also have a number of individuals who represent  
8 different and various organizations that support  
9 systems who have a number of items that might  
10 prevent them from having full access to the process.

11 We have shareholders such as Para Quad  
12 involved, the Governor's Council on the Disabled,  
13 the Department of Aging, ADA project, National  
14 Federation of the Blind, Missouri Council of the  
15 Blind, and Wolfner library representatives. So we  
16 have a very diverse group there. And hopefully from  
17 the comments that we get from the public, we will be  
18 able to go back and find ways that we can  
19 partnership in solutions to meet the Help America  
20 Vote.

21 MS. TURNER-BUIE: Thank you. Richard  
22 Struckoff, who chairs the Database and Provisional  
23 Voting, voter I.D.

24 MR. STRUCKOFF: Actually I am co-chair  
25 with Pat Conway. So jump in any time you like. The

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1           only problem we have, as I mentioned earlier, we  
2           have provisional voting now in the State of  
3           Missouri. We used it for the first time last  
4           November. It was a little bit difficult to throw  
5           something that new at our poll workers. I can  
6           assure you that not everybody in the state got that  
7           exactly right. But the big curve that the federal  
8           law throws at us is we have to provide a toll-free  
9           access system for provisional voters to use so they  
10          can find out if their provisional vote was counted  
11          or not. That is part of the federal law.

12                        So we -- much of our discussion over the  
13          next couple weeks and months is going to be how in  
14          the world are we going to provide this public  
15          access. Many of us who are in the local election  
16          business would prefer to pass that responsibility on  
17          to the Secretary of State, and the State of  
18          Missouri. But as we all know, the State of Missouri  
19          is out of money. My county commissioners tell us  
20          that we are pretty much in the same boat. So  
21          although we can use -- there are some unearmarked  
22          funds in the HAVA Act, and some of that might have  
23          to be used for that purpose. This will be very  
24          difficult, I think, for our committee to come to a  
25          conclusion. But we will see.

1                   As far as voter I.D. goes, again the State  
2 of Missouri changed its laws to allow all of the  
3 types of voter I.D. that are in the federal law, I  
4 believe. So there is very little that we will have  
5 to do on that. Then the centralized voter  
6 registration database, we have one, but in order to  
7 make it interactive and up to the minute, there is  
8 disagreement among the people who passed this bill  
9 what this means. So our committee is going to be  
10 working with the technological people from the  
11 Secretary of State's office to try to figure out  
12 what exactly we are going to do with this database.

13                   It also, for those of you in the audience  
14 who are election authorities, it also may require us  
15 to change our voter registration software again,  
16 which is something we did in 1995 and '96. And  
17 something I am not really looking forward to doing  
18 again any time soon. So if it involves those types  
19 of changes, we may have to ask for a waiver from the  
20 Federal Government and ask them if we couldn't wait  
21 to implement this part of the plan until January 1,  
22 2006.

23                   MR. CONWAY: Well, I think the concern  
24 that I have, I think that the members of the  
25 committee have, and I know the people at the

1       national level have, are funding. When the  
2       legislation passed and at the height of it there was  
3       a tremendous response from the Congress and various  
4       organizations around the country asking for a  
5       commitment to reform voting. The bill passed. I  
6       understand the initial appropriations which were 1.4  
7       billion, it is down to 350 million.

8               The gentleman from the State of California  
9       informed me that if they were to be in complete  
10      compliance with the federal bill just in the State  
11      of California, it would take all that has been  
12      authorized by the Federal Government for all other  
13      49 states. So we're going to have to go into this  
14      with the fact that the Federal Government is not  
15      going to give us all the funding. The state budget  
16      is in a critical area right now, which we would not  
17      expect to get an abundance of funding from them the  
18      next two years. The counties and cities are also  
19      suffering. So we are going to have to implement the  
20      best we can with the funding that we have and the  
21      equipment that we have. And try to go as far -- I  
22      know Matt, and I know that the election people  
23      across the state don't really want to look for a  
24      waiver. But it may be something that we have to  
25      look for in order to comply by 2006. We have the

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1 requirements of the database which we have met on.

2 I think we have made strides to do that.

3 I guess when you put this in perspective,  
4 that one of the things that people are always  
5 surprised about is that voter registration really  
6 was not a state-wide issue until 1970s. The major  
7 metropolitan areas didn't do voter registration  
8 until the late -- until the early 1940s. So we have  
9 made great strides in the last seven years. We  
10 didn't have a state-wide ethics. We have that now.

11 Sharon and I were able to cooperatively  
12 discover potential voter frauds in our two voting  
13 jurisdictions that we could not have done even seven  
14 or eight years ago. So we have made strides. In  
15 order to do this, we have to have the funding and  
16 the equipment. It is going to be, we are going to  
17 have to go at this on a very bipartisan way in order  
18 to do what needs to be done and with the funding  
19 that we are going to have. So I think every time we  
20 look at this, we are going to have to put this in  
21 perspective of what we can actually accomplish, and  
22 hopefully we can accomplish the goals of the federal  
23 laws, that we are only going to be dealing with that  
24 respect to the budget.

25 MS. TURNER-BUIE: If the other chairs

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1           agree, I think it may be good for us to take a  
2           recess at this time. We might take a 30-minute  
3           recess. It is about 5:15 now. We will reassemble  
4           at 5:45 in anticipation of other people coming  
5           forward, coming in, who may want to testify. So we  
6           will reconvene at 5:45.

7                       (A short recess was taken.)

8                       MS. TURNER-BUIE: For the record, will  
9           you please state your name and address, please. Mr.  
10          Pierce.

11                      MR. PIERCE: Are you ready?

12                      MS. TURNER-BUIE: We are ready now. If  
13          you could give us your name and address, please.

14                      MR. PIERCE: My name is Hank Pierce. I  
15          live at 4914 Smart, Kansas City, Missouri.

16                      MS. TURNER-BUIE: Thank you. Please  
17          proceed.

18                      MR. PIERCE: Thank you, whoever you are.

19                      MS. TURNER-BUIE: I'm sorry. My name is  
20          Sharon Turner-Buie. I am director of elections of  
21          Kansas City.

22                      MR. PIERCE: I know exactly who you are.  
23          Thank God for you.

24                      MS. TURNER-BUIE: How nice of you. Thank  
25          you.



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1                   MR. PIERCE: That is part of my -- well,  
2                   it is part of my testimony. We had a, well, a  
3                   little of God never hurt anybody.

4                   I am here because the last, not the last  
5                   election, but the primary before we had -- one of  
6                   the reasons I am here is because we had a lot of  
7                   problems in getting a fair and equal vote. And  
8                   that's what it is all about. We now currently have  
9                   to have somebody vote for us. We certainly can tell  
10                  them who we are voting for and what number we want  
11                  on the -- yes or no on the propositions or  
12                  amendments, but we have no idea of knowing that  
13                  that's what we in fact voted for. And at the last  
14                  election there was such a shake-up at our poll that  
15                  we had almost all new people.

16                 I had to, for the primary in November, get  
17                 a couple of lawyers to come in and help me vote.

18                 Which I thought was a real shame. But if we were  
19                 to

19                 use such things as -- have such things as accessible  
20                 voting machines, that wouldn't have to happen.

21                 Those machines are such that when I need it, it will

22                 talk to me. It will read me the ballot. It will

23                 read all of the propositions, all of the amendments,

24                 all of the candidates, all parties. And for those

that don't need it, they can shut it off. They

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1 don't have to listen to the speech. But for me, I  
2 am 50 years old. And I voted in many elections.  
3 And I think that it is time that the State of  
4 Missouri, especially since the Federal Government is  
5 allowing some funding, I would like to see some of  
6 that funding go to accessible voting machines, which  
7 would be a part of the accessible polling places.  
8 Because we want accessibility for everybody. Thank  
9 you.

10 MS. TURNER-BUIE: Thank you, Mr. Pierce.

11 MR. STRUCKOFF: Hank, I asked previously  
12 people who gave previous testimony. Do you read  
13 Braille?

14 MR. PIERCE: Yes, I do. I do read  
15 Braille.

16 MR. STRUCKOFF: If you were to guess as to  
17 the percentage of visually impaired people who do  
18 read Braille, what would you guess that to be or do  
19 you know for a fact?

20 MR. PIERCE: I would say that  
21 unfortunately it is probably fairly low. Now I  
22 don't have the exact figure.

23 MR. STRUCKOFF: We had previous estimates  
24 in previous testimony of less than one percent.  
25 Does that sound right to you?

35

1                   MR. PIERCE: Well, I would hate to think  
2                   that was the case. I am certainly not going to say  
3                   that it is or it isn't. But it is quite low. It  
4                   would certainly, for somebody that is deaf-blind,  
5                   that would be one -- about the only way that you  
6                   could have a machine. To my knowledge there aren't  
7                   any. And if there were, they would be very  
8                   expensive. That very well could be. I would like  
9                   to say it was a little more than that.

10                  MR. STRUCKOFF: Now you described a system  
11                  that would provide you with audio information. Have  
12                  you been demonstrated any kind of equipment like  
13                  that yourself?

14                  MR. PIERCE: Absolutely.

15                  MR. STRUCKOFF: Where did that occur?

16                  MR. PIERCE: I have seen it at a  
17                  conference called See-Son that is held every year in  
18                  Los Angeles. Also at the American Council of the  
19                  Blind Convention had one, had a couple.

20                  MR. STRUCKOFF: Was that in Houston?

21                  MR. PIERCE: Yes. Yes, it was. But I  
22                  think it was actually first demonstrated in Des  
23                  Moines. I have seen several different versions.

24                  See-Son actually had three or four versions, and the  
25                  one that most people seem to like was one they

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1           called the E. Slate.

2                       MS. TURNER-BUIE: Mr. Pierce, during the  
3           break I was having a conversation with some of the  
4           people in the audience. And one of the comments  
5           that was made really impressed me, because the young  
6           lady said, you know, I think in terms of having one  
7           machine for the physically disabled, regardless of  
8           their disability, and another machine for the rest  
9           of the world, wouldn't it be great if we had one  
10          machine for everyone. I think that would be great.  
11          But I think she is absolutely right.

12                     As election administrators, because we  
13          have equipment that we provide for the disabled at  
14          polling places and all of the other equipment, I  
15          think that that is the way we think about voting  
16          equipment. But with the technology that we have  
17          today, with the advances that are made, perhaps some  
18          of the manufacturers are already thinking that way,  
19          about developing a voting machine that serves the  
20          needs of all voters. I think it gives us pause as  
21          committee chairs when we hear these comments, and it  
22          helps us to begin to think differently.

23                     So Gil Powers is over the technology  
24          committee. Right. And I suggested to someone that  
25          perhaps we should talk with him about this as well.

1           Because we do need to think differently about our  
2           voting systems. About the users of our voting  
3           equipment. Also I think it was Mr. Cox who  
4           mentioned to me that there is a conference in  
5           April. And I am sorry, I don't remember the name of  
6           the conference, but we have made arrangements to be  
7           in touch, to put him in touch or whoever is  
8           overseeing this conference, with manufacturers of  
9           equipment. Because we would love to have people  
10          come out and demonstrate the equipment at the  
11          conference, which I think is an excellent idea.

12                       And I think that election administrators  
13          are certainly willing to partner with the community  
14          at large in all of our jurisdictions, but somehow we  
15          have not gotten that information out. So I am glad  
16          to have this kind of information, and I will  
17          certainly work with Mr. Cox or whoever is overseeing  
18          the conference, to see what we can arrange. Because  
19          this is the only way that we can become  
20          knowledgeable about the problems that you, along  
21          with others, face when you go to the polls on  
22          election day. So we certainly appreciate your  
23          input.

24                       MR. PIERCE: Well, that's why I made the  
25          comment that these machines that we would use the

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1 headphones with, can be used by anybody else. I  
2 mean, they are not proprietary to us. That was my  
3 reason for bringing that up.

4 MS. TURNER-BUIE: Thank you.

5 MR. POWERS: Hank, on that E. Slate. Do  
6 you know if it had some type of paper audit trail?  
7 Did it generate anything --

8 MR. PIERCE: Yes.

9 MR. POWERS: -- that would be trackable?

10 MR. PIERCE: Yes, it does. It actually,  
11 you can print it out. See, that was a lot of the  
12 problems, I was on a National Committee for Election  
13 Reform. And on that committee, that was a lot of  
14 the concern, that there was -- that we could get it  
15 in, but how could we get it to -- well, it prints  
16 out, just like your scannable, which are totally --  
17 scanning machines and that kind of thing is totally  
18 useless to us.

19 MR. STRUCKOFF: Hank, did each individual  
20 voter's vote and ballot print out, or was it run on  
21 a continuous piece of paper?

22 MR. PIERCE: No, I believe -- wait a  
23 minute, wait a minute. I believe that it, that each  
24 individual ballot would print out.

25 MR. POWERS: So someone who was not seeing

1           impaired could actually look at that piece of paper  
2           and confirm that was their vote, just as someone who  
3           is seeing impaired could hear a summary at the end  
4           of their voting process to make sure that every  
5           issue had been voted the way that you intended it  
6           to?

7                       MR. PIERCE: That is absolutely correct.  
8           Because you -- not only do you get a summary at the  
9           end, but you can go back. You can go to different  
10          -- did I vote for -- you know, did I vote for Ford  
11          or didn't I? And you can go look at that. You can  
12          find out. You can make sure. I mean, nothing is  
13          final until -- I don't want to say the fat lady  
14          sings -- but until you actually confirm that you are  
15          done.

16                      MS. TURNER-BUIE: Thank you, Mr. Pierce.

17                      MR. PIERCE: Thank you. And again, Ms.  
18          Buie, thank you for intervening for our polling area  
19          last time. We certainly appreciated that.

20                      MS. TURNER-BUIE: You're certainly  
21          welcome. We have a question from Mike Ferguson. If  
22          you would come forward, please.

23                      MR. FERGUSON: Actually my question is  
24          for you. My question was, these machines that you  
25          tested out, from a poll worker's perspective, from



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1           an education perspective. How much trouble did you  
2           have learning how to use it? Was it easy to  
3           explain? Was it very complicated for the poll  
4           workers or the folks that demonstrated it to show  
5           you the hang of it?

6                   MR. PIERCE: Yes. I would like to  
7           respond to that. Actually it was not. It was very  
8           easy to use. I have to clean my glasses here. It  
9           was very easy to use. The learning curve, I mean,  
10          there is nothing -- there is nothing esoteric about  
11          it. It was very simple.

12                   MR. POWERS: Would you mind to kind of  
13          walk us through from not having ever used this  
14          machine, how you learned to use it? Kind of how  
15          that transpired or what kind of process that was?

16                   MR. PIERCE: Well, once you learned the  
17          key pad, I mean, you put on your headphones. You  
18          push -- I can't remember, because it has been awhile  
19          since I have seen it.

20                   MR. POWERS: But someone directed you  
21          where to start?

22                   MR. PIERCE: Yes. Because they would  
23          say, you know, it has a number pad obviously for  
24          when you need numbers. And a key for yes and a key  
25          for no. And it has arrow keys, so you can move up

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1           and down and page for the pages. But yes, once you  
2           -- it is like anything else, once you -- like  
3           talking ATM's. You put the headphones in and there  
4           is a help screen if you need it. And it will walk  
5           you through it, whatever you are doing. Well, once  
6           you put it on, it is talking and it will tell you  
7           press the start key, which is in the upper left-hand  
8           corner, I believe. Something like that. And then  
9           -- I mean, it doesn't just say, you know, press the  
10          enter for yes and not tell you where it is. And it  
11          does have extensive help.

12                       MS. TURNER-BUIE: Thank you.

13                       MR. PIERCE: You're very welcome. Thank  
14          you.

15                       MS. TURNER-BUIE: There may be some who  
16          have -- some in the audience who simply have  
17          questions they would like to ask. You may not have  
18          testimony. But do feel free to ask any questions  
19          that come to mind. We will be glad to try and field  
20          them for you.

21                       While you may be thinking of some of them,  
22          I can mention to you that our schedule in the future  
23          for our public comments are as follows.

24                       On Monday, March the 10th, we will have  
25          public comments in St. Louis at the Century Room A,

1           Millenium Center. That is the University of  
2           Missouri at St. Louis.

3                   On Wednesday, March 19th, we will have  
4           public hearings at the Interpretive Center, in  
5           Jefferson City. That's 600 West Main in Jefferson  
6           City.

7                   And on Wednesday, March 26th, we will have  
8           a public hearing in Springfield, Missouri at the  
9           Library Center in meeting room A. and B. That is at  
10          4653 South Campbell in Springfield.

11                   And then in Poplar Bluff, we will be at  
12          the Butler County Courthouse, 100 North Main, on  
13          Thursday, March 27th. So you are all welcome to  
14          attend those meetings as well. Or at least tell  
15          others about those meetings if you know people in  
16          those areas.

17          MR. PIERCE: I already have. Sure have.

18                   MS. TURNER-BUIE: Are there questions? It  
19          is now 6:00 o'clock. And in the absence of  
20          additional testimony, I think we will adjourn this  
21          public hearing. We want to encourage you, however,  
22          if after you leave the meeting, you think of other  
23          things that you would like the committee to know,  
24          please forward them to my office. I can give you  
25          our e-mail address. Which is KCEB. That is K.

1           Kansas, C. Charlie, E. Edward, B. boy, at KCEB. You  
2           can also write us. We're at 1828 Walnut, Suite 300  
3           in Kansas City, Missouri, 64108. Or feel free to  
4           give me a call. My number is 816-842-4811 is my  
5           direct number. Don't tell anybody else. But you  
6           all can call me direct.

7           MR. PIERCE: Believe me, if they call the  
8   main number they'll get you. Because I've done it.

9           You get right to us and I appreciate it.

10                   MS. TURNER-BUIE: The main number is  
11   842-4820. But you are certainly welcome to call me  
12   direct with any questions or concerns that any of  
13   you might have. Before we adjourn, I might ask Gail  
14   Vandelicht from the Secretary of State's office if  
15   she has any comments that she would like to make or  
16           any information you would like to share?

17           MS. VANDELICHT: Thank you. Not really.  
18   I can't think of anything, other than just to thank  
19   everyone for coming, and especially the people that  
20   are serving on the committees. We have a big task  
21   ahead of us and we appreciate all of the input that  
22   the county clerks and the representatives from the  
23           other committees that are serving on the State  
24   Planning Committee are willing to give. It takes a  
25           lot of time and effort on their part and we

1 appreciate that.

2 Our deadline, self-imposed deadline is  
3 June 1st to have the state planning. Because we  
4 want to start receiving federal funds as quickly as  
5 possible. So we have a lot to do between now and  
6 June 1st. Thank you.

7 MS. TURNER-BUIE: Thank you. To the  
8 Committee Chair, do we have any closing remarks?

9 MR. STRUCKOFF: Thanks for coming.

10 MS. TURNER-BUIE: Thank you all.

11 MR. PIERCE: I would like to thank you  
12 guys for doing this and having these hearings. It  
13 means a lot. I'm sorry more people didn't show.  
14 Because I think it is important that we do get out  
15 here. Otherwise you kind of wonder about the  
16 response. But thank you for hearing those of us  
17 that were here.

18 MS. TURNER-BUIE: And thank you for  
19 coming.

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## C E R T I F I C A T E

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I, JAMES A. LEACOCK, Certified Court Reporter,  
do hereby certify that I appeared at the time and  
place hereinbefore set forth; I took down in  
shorthand the entire proceedings had at said time  
and place, and the foregoing forty-four pages  
constitute a true, correct and complete transcript  
of my said shorthand notes.

Certified to this 12th day of March, 2003.

Certified Court Reporter

